

Section 405 “SIGN REQUIREMENTS” of the Harrison County Zoning Ordinance

405.0 SIGN REQUIREMENTS(Includes all amendments as of July 18, 2005)

- 405.1 The purpose of this section is to: encourage the effective use of signs as a means of communication in the county; to maintain and enhance the aesthetic environment and the county’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The intent of this section as more specifically set forth herein, is:

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

To prohibit all signs not expressly permitted by this ordinance; and

To provide for the enforcement of the provisions of this ordinance.

405.2 APPLICABILITY

A sign may be erected, placed established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

405.3 DEFINITIONS

For the purpose of the sign regulations as contained in this section, certain terms and words used herein shall be interpreted and defined as follows:

- (a) **Animated sign:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (b) **Banner:** A sign constructed of pliable material such as cloth or plastic, temporarily attached to a structure.
- (c) **Building facade:** That portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves the entire width of the building elevation facing a street, and which may also be referred to as the building face.
- (d) **Commercial message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- (e) **Copy area:** The sum of the area of the words or numbers included in the sign copy, exclusive of pictorials, trademarks or other advertising symbols.
- (f) **Display area:** The display area is defined as the total area upon which sign copy may be placed. In computing the total display area of a sign, mathematical formulas for geometric shapes formed by straight lines drawn closest to the extremities of the sign, excluding any structural member or embellishments, shall be used.

- (g) **Embellishments:** An addition to the display area on which a continuation of a message may be placed. Such addition shall not be a continuous border, which would constitute an increase in the display area. Standard bases and standard trim shall not be considered embellishments.
- (h) **Farm:** A tract of land more than five (5) acres in size which serves as the base of operations for a bona-fide agricultural/ horticultural/ aquaculture/forestry enterprise or which is developed for a confined feeding, dairy, or similar use in which operators or employees visit on a daily basis and which may include one dwelling occupied by the owner of the enterprise as his/her primary residence.
- (i) **Flag:** Any fabric or similar material containing distinctive colors, patterns, or symbols used as a symbol of the United States, the state, the county, foreign nations having diplomatic relations with the United States, and any other elected legislative body of competent jurisdiction, temporarily attached to a single freestanding pole and which may be raised and lowered from the ground without any specialized equipment.
- (j) **Flashing sign:** An illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color.
- (k) **Freestanding sign:** A rigid sign supported by one or more uprights, poles, columns or braces placed in or upon the ground surface and not attached to any building or structure.
- (l) **Illuminated sign:** A sign illuminated by gas, electricity or other artificial lights including reflective or phosphorescent light.
- (m) **Incidental signs:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located or a sign, which exceeds three square feet, shall be considered incidental. In all instances, an incidental sign must be located on the same lot as the primary use for which information is being provided. No permit is required and such signs shall be permitted in addition to the total allowable square footage permitted on a lot.
- (n) **Nonconforming sign:** Any sign that does not conform to the requirements of this ordinance.
- (o) **Permanent sign:** a sign and supporting structure that cannot be removed by one person within five minutes using only a screwdriver and adjustable wrench.
- (p) **Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- (q) **Projecting sign:** A sign, end mounted to an exterior wall of a building or structure and which projects out from the wall more than eighteen (18) inches.
- (r) **Public information sign:** A sign containing only emergency or legal notices and regulatory information erected by a governmental agency.
- (s) **Residential sign:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally

offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

- (t) **Roof-mounted sign:** A sign erected wholly upon or over a roof of any building and which does not project above the roofline.
- (u) **Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or text to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public which is designed to be legible at or beyond the property line of the lot on which the sign is located by a individual who meets the Indiana Bureau of motor vehicles visual acuity criteria to be eligibility for a drivers license.
- (v) **Temporary sign:** A display, informational sign, or other advertising device with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display.
- (w) **Wall sign:** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of the outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign face.
- (x) **Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the panes of glass and is visible from the exterior of the window. Window signs are exempt from regulation.

405.4 COMPUTATIONS

The following principles shall control the computation of sign area and sign height

Computation of Area of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

Computation of Area of Multi-faced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both sign faces cannot be viewed at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Computation of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the

principal structure on the lot, whichever is less.

Computation of Maximum Total Permitted Sign Area for a lot: The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in Table 2, Maximum Total Sign Area, for the zoning district in which the lot is located.

405.5 **GENERAL PROVISIONS:**

- (a) All signs shall be constructed, connected, operated and maintained according to the applicable provisions of the Uniform Building Code and the electrical codes of Harrison County.

- (b) All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repainted whenever peeling or fading occurs. Neon tubes, lamps, ballasts and transformers shall be kept in good state of repair and in safe condition. The County may order the removal of any sign, which becomes a public hazard due to lack of maintenance or repair.

- (c) The following provisions shall apply to freestanding signs:

The sign, pole or structure shall not extend beyond the property line or into the public right-of-way.

Freestanding signs shall be designed so that all framework for the lateral support of the sign shall be contained within the body of the sign or within the structure to which it is attached and shall not be visible. Exposed guy wires chains or other connections shall not be made a permanent part of the sign.

- (d) Signs may be illuminated by direct indirect or internal lighting sources, provided that the beam from an indirect or direct source shall be projected from the top of the sign toward the ground and effectively shielded to prevent view of the bulb from property lines, and further provided, may be illuminated only during normal business hours. In no case shall external lighting exceed 200 watts per side of sign.

- (e) Temporary signs shall be permitted, provided, however, that:

The total square footage in area of all temporary signs does not exceed thirty-two (32) square feet in area.

No more than one temporary sign on a parcel shall exceed sixteen (16) square feet in area.

No temporary sign shall exceed thirty-two (32) square feet in area or six (6) feet in height.

Temporary signs shall be for temporary use only and shall not exceed a total of six (6) months of use, per location, during any one calendar year.

No temporary sign shall be placed in any portion of the public right-of-way nor shall they be so placed as to obstruct the view of vehicular or pedestrian traffic at intersections or points of ingress and egress onto a public right-of-way.

- (f) **Banners-** No banner shall exceed 30 square feet in size, be placed in any portion

of the public right-of-way or be so placed as to obstruct the view of vehicular or pedestrian traffic at intersections or points of ingress onto a public right-of-way. Only one banner shall be permitted on any lot at any time and shall be permitted in addition to the total allowable permitted for a lot. Any banner, which is not attached to a building, accessory structure, excluding fences and walls, or freestanding sign, shall be classified as a freestanding sign and must comply with the provision for such signs in Table 2.

405.6 PERMITS REQUIRED

If a sign requiring a permit under the provision of this ordinance is to be replaced, constructed, erected, or modified on a lot, the owner of the lot or his/her representative shall secure a sign permit prior to construction, placement, erection, or modification of such a sign.

Furthermore, the property owner or lessee shall maintain in force, at all times a sign permit for such sign.

No signs shall be erected in a public right-of-way.

Signs shall be permitted in the appropriate zoning districts as set forth in Table 2.

405.7 PROHIBITED SIGNS:

- (a) All signs which are not specifically permitted within this ordinance.
- (b) Portable, folding and similar movable signs shall not be permitted, except as a temporary sign.
- (c) Signs that are structurally unsafe, as determined by the Uniform Building Code.
- (d) Signs which would interfere with sight distance at any driveway along any public road way or road intersection as determined by the Harrison County Engineer.
- (e) Signs, which by reason of size, location, content, coloring or illumination violate county or state highway standards.
- (f) Signs bearing words, phrases, symbols, colors or characteristics, which may mislead, interfere with, or confuse traffic.
- (g) Signs erected on or attached to any sidewalk, street, or highway right-of-way, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, telegraph or electric light pole, other utility pole, public or partition fence, or on a fixture of the fire alarm or police system except public information signs or utility identification signs.
- (h) Signs, which involve revolving, flashing or rotating beams of light including, animated signs.
- (i) Permanent signs on undeveloped property.
- (j) Signs that change wording either electronically or mechanically, excluding however message boards that (1) display a static message (does not scroll, alternate, or require more than 100% of the message board to depict) using LED technology, (2) does not exceed 25% of the sign face, and (3) changes message no more than once during a 24 hour period (numeric characters may change only for the purposes to maintain the accuracy of the static message being displayed such as time/temperature).

- (k) Signs which bear or contain statements, words, or depictions of an obscene, pornographic, or immoral character, or which contain subject matter which is untruthful or will offend public morals or decency.
- (l) Signs displayed on parked vehicles or trailers. Licensed and operable motor vehicles with the primary purpose and regular use for cartage of goods supplies or people are exempt.

405.8 EXEMPT SIGNS

- (a) Traffic control signs on private property, such as Stop, Yield and similar signs, the face of which must meet the Harrison County Highway Department standards and which contain no commercial message.
- (b) Legal notices and identification, informational or directional signs erected or required by governmental bodies.
- (c) Temporary signs which do not exceed 6 square feet in area.
- (d) One sign that meets the definition of a banner on any parcel and which shall be permitted in addition to the maximum allowable signs specified in Table 2.
- (e) Signs painted on the wall or roof (not both) of an accessory structure on a farm (see Section 405.3(h)) which is zoned A-R.

405.9 Time of Compliance: Nonconforming Signs and Signs Without Permits

Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this ordinance.

For any sign existing in the county on the effective date of this ordinance, an application for a sign permit must be submitted within six months. Applications for permits for existing signs shall be exempt from all permit fees provided applications are received within the specified time period. Existing/nonconforming signs that are subject of applications received after the applicable date set forth in this section shall not be eligible for a nonconforming sign permit described in Section 405.12 unless undisputable evidence verifying that the sign was in place before July 6, 2004 is submitted and approved by the Administrator or designee. Any lot on which a nonconforming signs exists shall be ineligible for new or additional signage until such time as the signs are made to conform and in no case shall total allowable signage be exceeded.

405.10 ADMINISTRATION

No sign, permanent or temporary shall be erected or altered except in accordance with the provisions as set forth in this section.

- (a) Unless specifically identified in section (b) below or Table 2 the owner or tenant of a lot on which a sign will be placed, constructed, erected, or modified shall secure a sign permit prior any work being performed.
- (b) The following signs shall not require permits:

Ordinary maintenance and repair to existing conforming signs, provided that such work does not affect the structure to a degree greater than fifty (50) per cent of the current replacement cost, exclusive of the structural support of the sign.

Change of copy on signs listing current or future programs and events taking place on the premises.

Seasonal decorations, and displays, provided they conform to the provisions of this chapter.

Residential signs provided they conform to the provisions of this chapter.

Street signs required by a governmental agency for the purpose of street identification.

Rotations, repainting and posting of copy on signs for which a sign permit was issued provided there is no change in the size or shape of the sign.

Development signs provided they conform to the provisions of this chapter.

Banners provided they conform to the provisions of this chapter.

Incidental signs provided they conform to the provisions of this chapter.

Exempt signs.

405.11 APPLICATION FOR SIGN PERMIT

Application for sign permits shall be made through the Administrator and shall include a site plan that includes the following information:

- (a) Location of the building, structure of land to or on which the sign is to be erected.
- (b) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
- (c) The dimensions of the sign's structural members.
- (d) The proposed location of the sign in relation to the face of the building or the lot lines of the property, on which it is to be located, whichever is applicable.
- (e) The owner of the sign shall agree to maintain the sign by repainting peeled surfaces and replacing inoperative components; and, to remove the sign when the use of the property and sign has been terminated. Should he fail to maintain the sign as outlined above within a reasonable time, the County shall cause the sign to be removed at the owner's expense after having given the owner of the sign thirty (30) days' written notice to do so.
- (f) Other such applicable information as the Administrator may require to insure compliance with the provisions of this chapter.
- (g) A sign permit fee, in accordance with the fee schedule in effect at the time of application shall be paid prior to issuance of a permit.

405.12 PROCEDURE

The administrator or designee shall review an application for a sign permit for compliance with this chapter and issue such permit or reject such application within five (5) working days of its receipt.

- (a) A sign permit shall be valid prior to actual placement of the sign for a period not exceeding six (6) months, provided, however, that when a sign permit is issued in connection with a building permit for the site on which the sign is to be located, the sign permit shall run concurrent with the building permit. A sign permit may be renewed only once, for a period of three additional months, provided the proposed sign conforms to the requirements of this ordinance in effect at the time of renewal, after which time the permit shall be null and void if construction of the sign has not been completed and final inspection made.
- (b) Nonconforming sign permit- A sign that would be permitted under this ordinance only with a sign permit, but which was in existence on the effective date of this section, which by reason of its size, height, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Nonconforming Sign Permit if an application in accordance with Section 405.9 of this ordinance is timely filed. Any such application shall include a recent photo of both sides of the sign and supporting structure.

Such permit shall allow the sign(s) subject to such permit, to remain in place and be maintained provided that no action is taken which increases the degree or extent of the nonconformity and there is no change in the size, shape or height of the sign. Any nonconforming sign shall either be eliminated or made to conform to the requirements of this Section when any proposed repair, or maintenance would constitute an expense of more than 50 percent of the original cost of the sign or new signs are proposed.

The Administrator shall issue a sign permit for nonconforming signs at no charge.

Table 2 Sign Regulations

TABLE 2- SIGN REGULATIONS								
Districts	A-R	All R	B-1, B-2	B-3	B-4	PEC	PUD	all I
Total area of all signs permitted (square feet)								
Per Lot (b)	96 (a)	16	N/A	N/A	N/A	(c)	(c)	N/A
Per lineal foot of lot frontage	N/A	N/A	1/1.5	1/2.0	1/3.0	(c)	(c)	1/2.0
Lighting								
Internal/ External Illumination (d)	SE	SE	P	P	P	P(c)	P(c)	P
Freestanding signs								
Number permitted per lot	(e)	1	1	1	1	(c)	(c)	1
Maximum area per individual sign	32(a)	16	32	64	32	(c)	(c)	32
Maximum Height	6	6	6	36	6	(c)	(c)	6
Permits required (i)								
Freestanding (h)	P (j)	X	P	P	P	P	P	P
wall/roof (g)	X	X	P	P	P	P	P	P
Banner/ incidental	X	X	X	X	X	X	X	X
Temporary	X	X	X	X	X	X	X	X
Flags (f)	X	X	X	X	X	X	X	X

P = Permit required X = Permit not required SE = May be Permitted for Special Exception use only

- (a) Lots developed solely for single family and two family dwelling purposes(including home occupations) shall be limited to sixteen (16) square feet in area.
- (b) In the A-R and R zoning districts all adjoining parcels of land in common ownership shall be considered to be one lot for the purposes of determining total area of signs permitted. The only exception to this standard shall be when two or more parcels are developed as individual, stand alone and distinct principle uses in which case each stand alone parcel shall be considered an individual lot.
- (c) See Section 652.10 for standards applicable in the Planned Employment center(PEC) or PUD District ordinance for the parcel involved.
- (d) Signs shall not be illuminated after normal business hours. Signs on vacant property shall not be illuminated.
- (e) There is no limit on the number of freestanding signs permitted on a parcel in the A-R zone provided the total of all freestanding signs does not exceed the permitted freestanding square footage.
- (f) No flag shall exceed 60 square feet in area and shall not be flown from a pole the top of which is more than the 40 feet in height or the maximum height of building permitted in the applicable zoning district which ever is less. Flag's must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes (CFR Title 4 Chapter 1 The Flag). Flags meeting this criteria shall be permitted in addition to any permitted sign on a property. Any flag not meeting any one or more of these criteria shall be considered a banner sign and shall be subject to regulation as such.
- (g) Signs painted directly on the siding or roofing shall not require a permit.
- (h) Includes banners not attached to a building or other specified structure.
- (i) Regardless of whether or not a permit is required all signs must meet applicable standards. In order to avoid prosecution it is recommended that compliance be determined before any sign is established, constructed or purchased.
- (j) Permit shall not be required for a farm or single family use including home occupations